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COMMISSION ON HUMAN RIGHTS

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SUMMARY RECORD OF THE 22nd MEETING

Held at the Palais des Nations, Geneva,
on Monday, 30 March 1998, at 10 a.m.

Chairman: Mr. SELEBI (South Africa)

later: Mr. CHOWDHURY (Bangladesh)
(Vice-Chairman)
later: Mr. SELEBI (South Africa)
(Chairman)

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The meeting was called to order at 10.00 a.m.

STATEMENT BY THE MINISTER OF FOREIGN AFFAIRS OF CANADA

1. Mr. AXWORTHY (Canada) said that the United Nations had developed some impressive human rights credentials and tools over the past 50 years, but he wondered whether they were sufficient to meet the profound underlying changes the world was facing. The conditions created by the breakdown of the bipolar world order, the opening up of borders to new ideas and information and the fact that democracy had taken root and civil society was thriving in most States provided the opportunity to achieve progress on human rights that could not have been imagined by those who had drafted the Universal Declaration of Human Rights in 1948. Nevertheless, human rights violations continued in many parts of the world and globalization had its darker side, with transnational organized crime, terrorism, environmental pollution, hate propaganda distributed over the Internet and growing global economic inequities. Despite impressive progress in recent years, a significant gap remained between respect for human rights on the ground and the lofty principles of the Universal Declaration.

2. Its fiftieth anniversary was an opportunity to move towards full implementation of the standards it contained and to ensure that words and written agreements produced real, concrete improvements on the ground. Greater attention should be given to implementation than had been hitherto the case.

3. In June 1998, Canada would, in cooperation with a number of non-governmental organizations (NGOs), be sponsoring a conference to review the progress made in implementing the Vienna Declaration and Programme of Action with the aim of ensuring that civil society was able to provide the strongest possible input into the United Nations five-year review. The conference would also mark the unveiling of a global human rights report, based solely on information from United Nations sources and organized by country and by theme, compiled by a Canadian NGO and funded by his Government. The report would be an invaluable guide for the implementation of human rights commitments because it would place all United Nations recommendations on record in an accessible form. It would also provide a broad overview of human rights developments as seen by United Nations independent experts and human rights bodies.

4. In September 1998, Canada would be sponsoring a conference on human rights and the Internet, which would consider ways in which the new technology could be used to defend and promote human rights worldwide. Through its programme of international youth internships, his Government would be placing 50 young Canadians in human rights-related positions in more than 20 countries around the world during 1998, in addition to the 55 placed in 1997; many of them would be seconded to the United Nations and United Nations-related agencies and to field operations in a variety of United Nations activities.

5. In order to address effectively the wide range of issues involved, it was necessary to begin viewing human rights through the more comprehensive lens of human security and, following the lead of the Secretary-General inside the United Nations, to integrate human rights concerns more fully into other

aspects of international relations. The human-security approach called not only for remedial action to address existing abuses but also for preventive measures to address the root causes. Human rights abuses were often the early-warning signal of an emerging conflict and, conversely, States which respected human rights and the rule of law were less likely to go to war with one another, unleash waves of refugees, create environmental catastrophes, engage in terrorism or break their commercial commitments. Global stability and peace were intimately linked with respect for human rights.

6. The key element in healing war-torn societies was restoring the rule of law and ending impunity, and that was why the establishment of an independent and effective international criminal court, with inherent jurisdiction over the crimes of genocide, war crimes and crimes against humanity, was so timely and important. To be truly independent and effective, the court needed to have a constructive relationship with the United Nations, particularly the Security Council, in which its independence and impartiality were preserved. Proceedings should not, however, be triggered only by a State complaint or a Security Council referral; prosecutors should be able to initiate proceedings ex officio and, above all, the court should focus firmly on providing justice for the victims of conflict. The creation of the court would be an important and fitting accomplishment as the century drew to a close; those wedded to an outmoded world view should not be allowed to delay its establishment.

7. The campaign to ban landmines had been a clear example of how new approaches with a human focus could be brought to bear on traditional international security agendas. Banning landmines had come to be seen as a question of humanitarian law, which took account of civilians and the horrible impact landmines had on their lives. Linked to that view was a new approach to international diplomacy based on the exercise of "soft power", which was a coalition of the willing, including Governments and civil society as equal partners, united around a set of core principles.

8. The shift from a disarmament to a humanitarian focus was part of a larger trend to look at security issues from the perspective of the human being. The proliferation of small arms, the question of child combatants, excessive military expenditure and peace-building needed to be addressed from that human perspective. International humanitarian law and international human rights law were the keys to transforming the traditional security agenda.

9. Children's rights were a particularly high priority for his Government, which hoped to see the work on the two draft optional protocols to the Convention on the Rights of the Child completed soon. Canada had amended its Criminal Code to allow for the prosecution of Canadians who engaged in commercial sexual activities with children while abroad, and hoped that other countries would follow suit. Another Canadian priority was the adoption of a strong and effective declaration on the rights of indigenous peoples. As a demonstration of its commitment to the promotion of indigenous interests and the development of new partnerships with its aboriginal peoples, Canada had appointed its first ever Counsellor for International Indigenous Issues.

10. As for the rights of persons with disabilities, it was essential to recognize that the issue was not simply one of social development but,

fundamentally, one of human rights. Until there was recognition of the need to analyse mainstream policies and programmes from the perspective of persons with disabilities, their claim to full participation was denied.

11. That concept of "mainstreaming" also underpinned Canada's long-standing commitment to promoting the human rights of women. Violations of women's rights remained all too frequent around the world. In Afghanistan, their most basic rights to work, to education and to proper health care were routinely denied as a matter of policy. The Taliban had recently imposed new restrictions on expatriate Muslim women working in Afghanistan. Those women were essential to humanitarian relief efforts, and restricting their ability to work would put at risk the lives of thousands of the most vulnerable Afghanis, particularly women and children. The international community must speak out, and show women in Afghanistan that they were not alone.

12. A key to the implementation of human rights was the mobilization and empowerment of all segments of society and an enhanced partnership between the State and civil society. Full participation by the NGO community was central to the promotion, protection and implementation of human rights. Equally essential was the recognition of NGOs' right to defend human rights, and for that reason Canada was strongly in favour of the draft declaration on human rights defenders being adopted by the General Assembly at its fifty-third session.

13. In order to ensure that human rights standards were implemented, it was necessary to help the developing countries to build their own human rights institutions and capacity. Developed countries could also take measures at home that would help to stem human rights abuses elsewhere, e.g. by cutting off arms exports to countries with internal conflicts or by prosecuting citizens who exploited child prostitutes abroad. There was still a clear and pressing need for sustained action, bilaterally and multilaterally, to build respect for human rights and to place them within a broader nexus of human security issues.

STATEMENT BY THE MINISTER FOR FOREIGN AFFAIRS OF LIECHTENSTEIN

14. Ms. WILLI (Liechtenstein) said she welcomed completion of the work on the declaration on human rights defenders after lengthy and complex negotiations. Human rights was one of the priority areas of her country's foreign policy and her Government agreed with the High Commissioner for Human Rights that the right to development was of decisive importance for the future of human rights.

15. The plight of refugees and internally displaced persons, mainly women and children, had increased in recent years, and concerted efforts by the international community were required to remove the causes of such mass population movements among which a human rights violations had pride of place. Liechtenstein, which had consistently supported the work done by the United Nations High Commissioner for Refugees (UNHCR) and the International Committee of the Red Cross (ICRC), expected its law on granting asylum to enter into force during 1998.

16. Although the Vienna Declaration and Programme of Action had placed special emphasis on women's rights, many shortcomings still remained. Targeted and specific efforts had to be made to improve the situation of women worldwide and to advance the cause of their rights. On the governmental side, special emphasis should be placed on the complex phenomenon of violence against women, and her Government had noted with interest the recent proposal by the Special Rapporteur on the subject to elaborate a legal instrument for its elimination. In that connection, she welcomed the increasing representation of women in the United Nations Secretariat.

17. Recurrence of the heinous crime of genocide in recent years had been a painful reminder of the inability of the international community to prevent and prosecute it. Her Government thus remained committed to the establishment of an effective and independent international criminal court.

18. Some years previously, her delegation had launched an initiative on the right of self-determination, aimed at contributing to the prevention of conflicts within States, and it remained convinced that a framework for constructive dialogue between States and the communities living within States would have significant potential for defusing tensions, and thereby contributing to the maintenance of international peace and security. The situation in Kosovo was one example of a situation where too little was being done too late. It was to be hoped that the international community would come to realize the benefits and indeed the necessity of a proactive and preventive approach to such situations.

MEASURES TO IMPROVE THE SITUATION AND ENSURE THE HUMAN RIGHTS AND DIGNITY OF ALL MIGRANT WORKERS (agenda item 11) (continued) (E/CN.4/1998/74 and Add.1, 75 and 76)

RIGHTS OF PERSONS BELONGING TO NATIONAL OR ETHNIC, RELIGIOUS AND LINGUISTIC MINORITIES (agenda item 16) (continued) (E/CN.4/1998/90 and 91; E/CN.4/1998/NGO/14 and 36; E/CN.4/Sub.2/1997/18; A/52/498)

IMPLEMENTATION OF THE DECLARATION ON THE ELIMINATION OF ALL FORMS OF INTOLERANCE AND OF DISCRIMINATION BASED ON RELIGION OR BELIEF (agenda item 18) (continued) (E/CN.4/1998/6 and Add.1-2 and Corr.1, 115 and 121)

19. Mr. MUÑOZ-LEDO (Mexico) said that international migration would be one of the central areas of concern for the international community in the coming century. Displacement of individuals was increasingly occurring not as a result of war or humanitarian tragedy, but as an integral part of the globalization process. While the exact size of that phenomenon was unknown, it had been estimated that there were 120 million legal migrants, or 2.3 per cent of the world's population, in 1997.

20. Migrants were a highly vulnerable sector of the world's population, subject to abuse by local authorities and organized crime or targeted for political purposes as the cause of the problems of the host societies. His Government recognized and respected the right of all States to define and implement their own migration policies and did not question the decisions of a sovereign State in respect of the control of its frontiers. The way a State treated foreigners within its territory, however, was not an exclusively

national matter. A State had an obligation to respect and guarantee to every individual under its jurisdiction the same basic rights as to the general population, in accordance with the Universal Declaration of Human Rights.

21. Recognizing the growing vulnerability of migrants the Commission had decided to strengthen the mechanisms for international cooperation to ensure respect for their dignity, human rights and fundamental freedoms. In accordance with its resolution 1997/15, the working group of intergovernmental experts had met twice prior to the current session. It had drawn up and transmitted to Governments a questionnaire designed to gather information on the obstacles to the promotion and protection of the rights of migrants, and had been gratified by the many responses it had received. The working group had noted that over a third of the Governments responding acknowledged the existence of racism, xenophobia and other forms of discrimination against migrants in their respective countries. In-depth analysis of the responses to the questionnaire would serve as a basis for the recommendations requested in the resolution. The preliminary conclusions of the Working Group were contained in its report (E/CN.4/1998/76).

22. His delegation would submit a draft resolution to extend the working group's mandate. It would also submit a draft resolution appealing to those States which had not yet done so to become parties to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, with a view to its early entry into force.

23. Mr. GALLEGOS CHIRIBOGA (Ecuador) said that, in an age of globalization where national borders tended to disappear, it was more difficult than ever before for people to move from place to place. Globalization consisted in the free movement of the three production factors: goods, capital and labour. Human beings were not, however, incorporated into the plans for the integration of markets and economies, especially if they came from developing countries and had a different racial origin and culture.

24. As long as there was prosperity in the North and poverty in the South, there would be people who sought to meet their needs and their dreams of the future where there was abundance. Migration could also, therefore, involve the right to development. As long as an economy offered jobs and sustained development, there would be no economic displacements; as long as there was poverty, there would be some people who would take the risk of migrating, whatever the obstacles, in search of a better future.

25. Some countries vaunted themselves on being the product of migration, their strength being the ability to absorb and integrate people into their societies from all parts of the world. More recently, however, those same States were endeavouring to halt migratory flows and even to send migrants back to their place of origin. In so doing, they committed human rights abuses against migrants in violation of the international instruments. It was extremely worrying that societies receiving migrants should see them as enemies and that they were targets of persecution, discrimination and xenophobia.

26. It was totally unacceptable that racial or other differences should be used as a justification for violence against migrants. That was a phenomenon

that deserved the Commission's special attention and his delegation would support any draft resolutions for the effective protection of the human rights of migrants.

27. Mr. SOMOL (Czech Republic) said that, at a time when migratory movements were increasing in scope and intensity, the effective protection of the human rights of migrants was a challenge to Governments and to the international community. Any person leaving his country of origin not as a refugee but voluntarily, for economic or other reasons, found himself in a vulnerable position because of the insufficient legal framework of protection provided by the host country and the hostility of the local population.

28. The Czech Republic, like other Central European countries, had been experiencing increased immigration in the last decade. It thus sought to participate in activities concerned with the rights of immigrants, at the regional level in particular. Minimum standards of protection for the human rights of migrants must be adhered to by all States. Agreeing on that minimum standard was both a regional and a global task. His delegation thus appreciated the establishment of the working group on the human rights of migrants and supported the extension of its mandate.

29. The scope of that mandate should, however, be defined more exactly, with due regard for the activities of the specialized agencies, so as to avoid duplicating their work. The working group should seek rather to facilitate agreement by States concerning the definition and recognition of a set of core human rights, which were especially important for migrants, should gather information on legal guarantees and their implementation in practice at the national level and examine the reasons for the small number of ratifications to the 1990 Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and by preparing a detailed follow-up questionnaire on the issue.

30. Ms. MA Yuhong (China) said that her Government respected the universally accepted principles regarding the freedom of religious belief and had made unremitting efforts for the promotion and protection of its citizens' freedom of belief. China was a country with a great diversity of religious beliefs: there were over 100 million followers of different religions. The Constitution and laws of China stipulated that freedom of religious belief was a basic right of all citizens. No State organ, public organization or individual could compel citizens to believe or not to believe in any religion and the State protected normal religious activities. Clear penalties were stated in the law for the infringement of that right.

31. All religions in China had équal status and coexisted in tranquillity. Believers and non-believers alike respected each other and enjoyed equal civil and political rights. About 17,000 religious personages were deputies to the People's Congress or members of political consultative conferences at the various levels.

32. With the support of her Government, many religious organizations and personnel carried out friendly contacts with their foreign counterparts and attended international religious conferences and academic meetings as well as pilgrimages to Mecca, in the case of Chinese Muslims. The great achievements

in the protection of freedom of belief showed, on the one hand, the influence of traditional Chinese compatibility and tolerance and, on the other, her Government's policy of freedom of belief established in conformity with China's national conditions.

33. Her Government protected all religious activities carried out within the framework of the Constitution and laws. It must be pointed out, however, that citizens must also fulfil their obligations prescribed by law and all citizens, whether religious or not, were equal before the law, with no privilege. Everyone must assume criminal liability when committing crimes, regardless of religious belief.

34. The objective of respect for and protection of religious belief was the same throughout the world. There might be differences in actual practice, however, which called for greater exchange and cooperation in that field. Three religious leaders from the United States of America had recently paid a successful visit to China and the Chinese delegation on religion had visited the United States. Such visits had enhanced mutual understanding and were beneficial to both sides.

35. Mr. CHOWDHURY (Bangladesh) said that migrants continued to be one of the most vulnerable groups in the contemporary world. Despite the potential created by globalization, opportunities for migrants had contracted in many countries and, as the movement of people increased in complexity, nations were adopting legislative and regulatory measures which were clearly protectionist in the interests of the domestic labour force. It had also been said that the industrialized countries had a policy of discrimination based on the origin of migrants which brought a subtle dimension of racism to the regulation of migratory movement.

36. Despite the fact that nations and peoples were rallying around democracy and recognizing the worth of diversity and pluralism, migrants appeared to be the category that fell into the "blind spot" of the global infatuation with diversity. As non-nationals in States of transit and employment, migrants remained relatively defenceless, open to exploitation and often unprotected by national laws or civil rights codes. They were thus vulnerable both institutionally and socially. He called upon the Commission to focus on the fact that migrants' rights were human rights and to address the gaps in their protection. The proposed world conference on racism and related intolerance should include the question of migrants and xenophobia.

37. His delegation attached special importance to the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families both because migrant workers were viewed in it not as dehumanized objects but as social entities with recognized rights and because it provided definitions for categories of migrant workers and established international standards of treatment. Bangladesh had, incidentally, initiated the early stages of ratification of the Convention.

38. Ms. KUNADI (India) said that most States, including her own, were made up of pluralistic societies and the Commission was itself a reflection of a world that was multi-ethnic, multi-religious, and multilingual. To live together in an environment of peace and harmony, active and determined

promotion of the values of tolerance and democracy was essential. That was particularly true as global civilization, though marked and enriched by diversity, was also witnessing a recrudescence of various forms of exclusivism, bigotry, hatred and intolerance. Aggressive nationalism and narrow chauvinism, along with the rise of so-called religious fundamentalism, posed challenges that carried with them the danger of alienation and marginalization leading to militancy, violence and terror.

39. All countries had to find appropriate responses by establishing firm foundations of equality and non-discrimination under the rule of law. At the international level, efforts must be intensified to promote universal respect for the human rights of all without distinction and to implement the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief and the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious or Linguistic Minorities.

40. Pluralism was a dynamic phenomenon encompassing the willingness of the human mind to respect diversity and promote tolerance and the capacity of societies to treat all individuals as equals before the law and in political, social, cultural and economic life. If the cause of human rights was to advance, tolerance and pluralism must be stressed in the work programmes of the Commission and its relevant mechanisms.

41. Her delegation had followed with interest the activities of the Working Group on Minorities, which had established itself as the serious forum for reflection, analysis and consideration of constructive solutions to the problems of minorities. It strongly supported the continuation of the Working Group and would consult with other delegations to decide on an appropriate mandate for its future work. It also welcomed the report of the Special Rapporteur on religious intolerance. His suggestions regarding the activities and principal areas of his mandate warranted careful attention. In particular, her delegation agreed that human rights education from an early age could be decisive in fostering tolerant and non-discriminatory attitudes and behaviour. Consequently, it strongly urged the Office of the High Commissioner to devote greater attention to human rights education.

42. Her delegation would be a sponsor of the draft resolution entitled "Tolerance and pluralism as indivisible elements in the promotion and protection of human rights" and hoped that it would command overwhelming support.

43. Mr. AMOR (Special Rapporteur on religious intolerance), introducing his report (E/CN.4/1998/6 and Adds.1 and 2) said that it consisted of a general report and two country reports, one on Australia and the other on Germany. Australia provided an original example of integrated multiculturalism and religious tolerance which was a good lesson for others. Examination of the German legislation showed that freedom of religion and belief was guaranteed and that there was a dynamic balance between religion and politics in terms of neutrality, tolerance and equity.

44. As for the situation of minority religions in Germany, he said he would limit himself to one, Scientology, which considered that the German State was

operating a discriminatory policy towards it, in particular by denying it the status of a religion, thereby refusing it such rights and advantages as tax exemption, and by excluding it from social life and placing it under surveillance pending its possible prohibition.

45. In that connection, it was important to recall that freedom of belief was an absolute freedom and that freedom to practise one's belief could be limited by law only in specific cases that were justified in terms of public order and security and the rights of others. It was also relevant to mention that Scientology was at the centre of a major controversy and, rightly or wrongly, of serious fears and tensions which the conflictual approach adopted by some Scientologists did nothing to minimize. When considerations of finance and passion were added, the question assumed exaggerated proportions: it was meaningless and puerile to compare the situation with that of Nazi Germany. German justice was perfectly capable of playing a regulatory role and the German State was fully entitled to keep its citizens objectively informed and to protect the liberal and democratic order.

46. He had recently visited the United States of America, and would be submitting a report to the Commission at its next session. Requests for visits to Viet Nam, Turkey and Israel had so far elicited no response. As for follow-up visits, there had so far been no reply from the Islamic Republic of Iran, and it was to be hoped that the desire for cooperation expressed by that country's representatives would find practical expression.

47. Cooperation with States and with all the parties involved in the protection of human rights required not only respect and an attempt to achieve mutual understanding but also the absolute independence of special rapporteurs. It would be useful if the specifications of his own mandate could be changed to a wording that was positively geared to freedom of religion and belief or was at any rate more neutral. The current designation, with its reference to religious intolerance, antagonized some people and made dialogue with them difficult. It would be better if freedom of religion and belief could be dealt with in all its dimensions.

48. Finally, there were three points to which he wished to draw special attention. The first was discrimination against women on the basis of religion. The most extreme current example was provided by the policy of the Taliban in Afghanistan, but the situation of women with regard to religion was not specific to any particular religion and should receive greater attention from everyone, including all the mechanisms for the protection of human rights.

49. The second matter was that of sects, which constituted a phenomenon that should be observed with great attention and objectivity. It should also be considered calmly in order to avoid both the danger of attacking freedom of religion or belief and that of allowing that freedom to be exploited for purposes other than those for which it had been recognized and protected.

50. The third question was that of religious extremism, which always represented an inadmissible attack on freedom and religion. It spared no society and no religion. When extremism spilled over into frenzied and gratuitous terrorism, when it killed in the name of God and exterminated in

the name of religion, silence became complicity and indifference active connivance. Tolerance of such extremism was tolerance of the intolerable. States in general and the international community in particular must condemn it without ambivalence and fight against it unremittingly until it was finally relegated to history.

51. Mr. BUSTAMANTE (Chairman-Rapporteur of the working group of intergovernmental experts on the human rights of migrants), introducing the working group's report (E/CN.4/1998/76), said that the phenomenon of international migrations involved approximately 120 million people, a number that was increasing rapidly. The phenomenon deserved the attention it was getting from the Commission because of the migrants' vulnerability in respect of human rights, which increased in direct proportion to the distance from their community of origin.

52. There was an implicit conceptual difference between a migrant and a refugee, it being understood that the latter did not leave his country of origin for "personal convenience". Although the degree of freedom of most migrants, who were poor and had a low level of education, was debatable, the departure from the country of origin entailed more serious risks in the case of refugees.

53. The vulnerability regarding the human rights of migrants was man-made. International migrants, especially if they did not have the right papers, acquired a structural vulnerability in the host country similar to that experienced by indigenous peoples and ethnic minorities. Recognition of that structural vulnerability did not change their situation, but it did imply that irregular migrants still had human rights without prejudice to a State's sovereign right to decide who should enter its territory. States were obliged under international law to protect the human rights of migrants, even those in an irregular situation.

54. The working group had prepared a programme of work on the basis of a questionnaire to which there has been a high level of response, demonstrating the importance which Governments and intergovernmental and non-governmental organizations attached to the question of the human rights of migrants. More than a third of the Governments replying to the questionnaire acknowledged the existence of racism, xenophobia and other forms of discrimination against migrants. The criticism and analyses offered by NGOs and intergovernmental organizations were particularly useful to the working group, which required more time to complete its work and thus requested an extension of its mandate.

55. Mr. KRYLOV (Russian Federation) said that his delegation set great store by the activities of the Working Group on Minorities and was in favour of granting it permanent status. The Working Group, which had thus far concentrated a little too heavily, perhaps, on theoretical issues, should henceforth focus its attention on the more practical aspects of its mandate. It should establish regular contacts and exchanges of information with regional mechanisms dealing with the rights of minorities, and in particular with the High Commissioner on National Minorities of the Organization for Security and Cooperation in Europe (OSCE). Closer coordination between the Working Group and the United Nations treaty bodies was also desirable. In that connection, he noted that the report of the Secretary-General

(E/CN.4/1998/90) referred only to the concluding observations of the Human Rights Committee and the Committee on the Rights of the Child, although minority issues had also been considered by the Committee on the Elimination of Racial Discrimination and other bodies.

56. After describing the new laws and programmes adopted to promote the social, economic and cultural interests of minorities residing in the Russian Federation, he expressed particular concern at the continuing attempts of political elites in Latvia and Estonia to create mono-ethnic cultures in those two countries. More than 100,000 persons had been obliged to leave Latvia in the past few years as a result of its policy of discrimination against so-called "migrants", "aliens" and "non-citizens".

57. Because of the extreme complexity of the naturalization procedures, only 6,000 persons or less than 1 per cent of the non-Latvians who had been born or had spent many years of their lives in Latvia had acquired citizenship since February 1995. The rights and status of permanent residents classified as non-citizens differed from those of Latvian citizens in many important ways; nine such differences had been formally recognized by Latvia's National Human Rights Office as being inconsistent with Latvia's international obligations.

58. Despite many earlier promises of a speedy solution, the Latvian Minister for Foreign Affairs in his recent statement before the Commission had indicated only that his Government was about to look into the naturalization issue. His own delegation, which concluded with regret that the Riga Government was completely ignoring the views and recommendations of authoritative international experts, noted that virtually no improvement in the situation had occurred in the past two years.

59. The members of the Commission should be aware that, when Latvian representatives spoke about the protection of minorities, they were referring to Latvian citizens only; most of the non-Latvian population were non-citizens and therefore did not enjoy any minority rights. The Commission should not give credence either to Latvia's assertain that it had carried out most of the OSCE recommendations. International experts, including Mr. van den Broek from the European Union, did not consider that to be so. The failure of Latvia and Estonia to report to the Commission on the Elimination of Racial Discrimination was undoubtedly significant in that regard.

60. If bilateral and regional machinery failed to produce the desired results, it was the right and, indeed, the duty of the United Nations to take steps towards changing Latvia's position on the question of the lack of rights of one third of its population.

61. Turning to agenda item 18, he said that his delegation supported the activities of the Special Rapporteur on religious intolerance and was prepared to continue to cooperate with him in the light of the recently adopted Federal Act "On freedom of conscience and religious association" which guaranteed human rights in that sphere for all, including foreigners and stateless persons.

62. Mr. Young Sam MA (Republic of Korea), said that his delegation supported the technical cooperation programme being undertaken by the Office of the High Commissioner. That initiative, which in the context of the human rights of minorities was currently limited to the organization of training workshops and the preparation of training manuals, should be expanded to facilitate the adoption of legislation, policy formulation and national capacity-building efforts. Inter-agency cooperation should be encouraged with a view to promoting coordinated action on minority issues.

63. While it was the responsibility of the State to ensure the human rights and fundamental freedoms of its citizens, including minority groups, decisive and concerted action on the part of the international community was often required in order to promote the rights of minority groups, stop arbitrary political discrimination and consolidate the right of minorities to representation and participation in all aspects of public and political decision-making.

64. National Governments, expert groups and the minorities themselves should ensure that the principles of tolerance were incorporated in academic curricula at all stages of learning and should encourage public-awareness campaigns and an active discussion of minority issues. Urgent measures should be taken to ensure that new technologies were not exploited in potentially hostile and unconstructive ways. In all those areas, NGOs could and did play an invaluable role, and Governments should support their efforts while taking care not to infringe on their independence and authority.

65. Turning to agenda item 11, he said that female migrant workers were particularly exposed to human rights violations and the gender perspective should thus be applied to the issue of migrant workers as a whole. Problems associated with that issue should be addressed in the context of the shared responsibility of the sending and host countries.

66. Mr. TYSZKO (Poland), referred to his country's historical experience in finding peaceful and constructive solutions to problems involving minorities, and recommended that the structure for action in that area should consist of national laws, bilateral treaties, regional and subregional mechanisms, and universal approaches, in that order. In the first place, every national legislation should contain a separate comprehensive law designed to guarantee the rights of the national minorities. Although none of the existing international instruments called for the granting of special political, especially electoral, rights to national minorities experience had shown that such positive legislative action was an effective way of creating and maintaining a democratic society based on pluralism and tolerance. National regulations relating to education were also among the most important elements of minority protection. Public schools in all countries should be under a statutory obligation to enable pupils to maintain their sense of national, ethnic, linguistic and religious identity through the study of their native languages and their own history and culture.

67. The protection of minorities should also form an integral part of bilateral treaties, especially between a country in whose territory a minority was living and the country from which that minority originated. Poland had concluded such bilateral treaties with all its neighbours. In that

connection, he pointed out that, following the consideration of his country's periodic report in August 1997, the Committee on the Elimination of Racial Discrimination had found Poland's national regulations and bilateral treaties in the field of protection of minorities to be exemplary.

68. Regional institutions, especially in regions such as Europe where national borders had changed frequently throughout history and where wars, revolutions and other crucial events had often been followed by mass migrations should pay particular attention to minority-related issues. The Council of Europe's Framework Convention for the Protection of National Minorities and the appointment of the OSCE High Commissioner on National Minorities were outstanding developments in that area.

69. Referring to the last component of the structure, namely, universal approaches, he said that, while the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities constituted an important landmark and was to be welcomed, it seemed unlikely in the foreseeable future, to result in better protection for minorities than could be afforded by positive national laws and bilateral treaties. As he saw it, the role of universal institutions was primarily to assist Governments in applying universal human standards in a manner beneficial to minorities, rather than to attempt to create a standard at the global level, specifically addressing their promotion and development.

70. Ms. WIJEWARDENA (Sri Lanka), having reiterated her Government's commitment to the provisions of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities and its support for the activities of the Working Group on Minorities, said that, in her country, violent action by the Liberation Tigers of Tamil Eelam (LTTE), an illegal armed group espousing terrorism in the name of minority rights, had tended to obscure the fact that Muslims, Tamils, Burghers and Sinhalese coexisted peacefully in all spheres of life as part of a tolerant multi-ethnic society and within a democratic political framework which encouraged the preservation of distinct ethnic, religious and linguistic identities.

71. Her Government's current constitutional reform proposals for the devolution of power to regional councils rectified the inadequacies of earlier systems and incorporated certain constitutional arrangements for devolution adopted in other countries. The proposals had been extensively discussed by the public and in a parliamentary committee and had been revised in the light of those discussions. It was most regrettable that the LTTE was seeking to undermine that bold political initiative by resorting to suicidal bombing of civilian and public targets.

72. The draft constitution currently before Parliament extended the scope of the fundamental rights chapter of the existing Constitution and brought it more closely into line with the International Covenants on Human Rights. Minorities in her country already enjoyed full opportunities to practice their respective cultures and to interact with other ethnic groups and religious denominations.

73. Although the LTTE had failed in its endeavour to achieve the ethnic segregation of the people of the North and East of Sri Lanka, it had violated

the human rights, including the right to life, of countless Sri Lankans. Her Government and people nevertheless continued to believe that there was nothing inevitable about ethnic violence or violent conflict in majority/minority relations and that minority issues could be resolved within a democratic parliamentary framework.

74. Mr. MERIC (Observer for Turkey) said that the problems of migrant workers constituted one of the most complex of human rights issues. Almost 3 million Turkish citizens were currently living abroad as migrant workers, 2,700,000 of them in Western Europe, most of them having a proper legal status. Polls showed that some 80 per cent wished to remain in the host country and become part of the society in which they lived.

75. The primary problem facing them was in fact, their status. They continued to be "resident foreigners" after many years during which they had fulfilled all the normal obligations of citizens except military service. The psychological ground was thus prepared for xenophobia and discrimination against them. Members of the younger generation were particularly hard hit because they did not feel they belonged either to their country of origin or their country of residence.

76. Migrant workers needed special protection under international human rights law. While the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families was potentially capable of filling the gap, it was unlikely to achieve worldwide application in the near future. In the meantime, the international community should work out some pragmatic protection measures. It was on that understanding that his delegation had supported the idea of setting up a special working group of intergovernmental experts on the human rights of migrants. It was pleased to note the successful work done by the group in its first year and was in favour of it being reconvened for two periods before the Commission's fifty-fifth session.

77. Mr. ADEL (Observer for Egypt) said that the rights of migrant workers were insufficiently observed at the international level. The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families would prevent migrant workers from being subjected to mass expulsion and low wages, among other provisions, and it was regrettable that only 12 States had so far ratified or acceded to it. He urged the Commission and other international organizations to work actively for wider ratification of the Convention. Countries claimed to seek to strengthen human rights, but ignored the violation of basic principles in the treatment of migrant workers. The working group, to which his Government had made a submission, had thus an important role to play in insisting on minimum standards for the protection of workers abroad.

78. The situation would also be alleviated if economic improvements were achieved in the countries that exported workers. The developed countries should make greater efforts to attain the ODA level of 0.7 per cent of GNP and to put international trade on a fairer footing. The barriers on the movement of natural persons should be lifted and investment enhanced, so as to bridge the gap in living standards between the countries of origin and the receiving countries.

79. Mr. NÁRAY (Observer for Hungary) said that the denial of basic rights to minorities could undermine the stability of whole regions. Governments should realize that, if minorities flourished, the whole of society benefited. Minorities could, in fact, play an important role in promoting political, economic and cultural relations with neighbouring countries which had a common language or traditions. If a State functioned as an exclusive institution for the ethnic majority, however, the country became divided. In that context, it was noteworthy that one of the preconditions for accession to some Euro-Atlantic institutions was a country's compliance with international human and minority rights standards. That requirement had helped to protect minorities in the countries seeking to join those institutions.

80. The growth of United Nations activities on the protection of minorities was a welcome development. Following the adoption of the landmark Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, the establishment of the Working Group on Minorities in 1995 had been another significant step. His delegation welcomed the preparation of a manual on minority rights and the establishment of databases with systematic information on good practices and on national, regional and international recourse mechanisms. The Working Group should maintain its problem-focused, practical approach and its mandate should be extended.

81. Coordination among the various regional and other international organizations dealing with the protection of minorities should be improved. The United Nations treaty bodies should have a monitoring function in the protection of minorities and the High Commissioner had an important role to play in the early identification of cases of non-respect for the rights of minorities.

82. Mr. WILLE (Observer for Norway) said that the Working Group on Minorities was the only body within the United Nations system whose main mandate was to deal with minority issues. Its work was therefore both very important and very difficult. The Working Group had developed into a useful and practical body; the issue of effective participation by minority representatives at local, national and international levels had been raised and valuable suggestions regarding possible solutions to problems involving minorities had been made. Cooperation had been developed with various United Nations mechanisms and the Working Group's efforts in that direction should continue.

83. Norway had recently signed the Council of Europe Framework Convention for the Protection of National Minorities and would shortly be ratifying it. His Government had, furthermore, decided to appoint an interministerial working group to evaluate ways in which the State could more successfully coordinate its policy on national minorities. The group would focus attention on the situation of the Roma people and travellers, groups that had faced particular difficulties and whose situation required more attention both in Norway and elsewhere.

84. Mr. VELTHEIM (Observer for Finland) said that minority rights required special attention, since minorities were more subject than most people to violations of their human rights and such violations often contributed to

refugee flows. It was not an easy issue to deal with at the international level. Even establishing a definition had been a difficult task. A practical approach should thus be adopted: minority groups were in fact readily identifiable and, if many Governments were reluctant to recognize minorities, that was all the more reason for a forum to discuss minority rights. The Working Group on Minorities should be given a more permanent mandate, since such a forum was clearly needed even in the longer run.

85. To be more effective, however, the Working Group should rationalize its efforts and work in a more focused manner. Its activities should be more thematic: one important theme was educational rights, since teaching in minority languages was important to developing and maintaining a positive cultural identity. During periods of austerity, due priority should be given to minority-language education when allocating dwindling public resources.

86. Standards relating to the protection of minorities should be developed further from the minimum level at which they currently stood. Five years after the adoption of the Declaration on the Rights of Persons Belonging to National, Ethnic, Religious and Linguistic Minorities, efforts to strengthen the overall awareness of public bodies and individuals regarding the Declaration should be strengthened, since, although not a legally binding instrument, it was an interpretive matrix enabling national legislation to be developed.

87. Minority issues were topical in Europe, as everywhere. The Roma, for example, continued to face discrimination in many countries and their living conditions remained below average. Europe had, however, seen the entry into force of two important documents relating to minorities: the Framework Convention and the European Charter for Regional or Minority Languages.

88. Minorities themselves had an obligation to respect democratic principles, particularly with regard to women's rights. Some traditional practices affected the rights of women and girls, so women belonging to minorities often ran the risk of marginalization on two fronts. Cultural or religious traditions should never be invoked as an excuse for human rights violations.

89. Ms. McCLURE (International Labour Organization) said that, since its creation, ILO had been at the forefront of international standard-setting on the rights of migrant workers. Despite, or perhaps because of, the ground-breaking content of its most notable instruments, signatories had remained limited: there were 41 for the Migration for Employment (Revised) Convention, 1949 (No. 97) and 18 for the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143). The signatories of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families were even fewer. ILO had consequently initiated a General Survey of the obstacles to ratification and difficulties of application of the two Conventions, to examine the need for an eventual revision.

90. In addition to its ongoing activities of technical cooperation and advisory services, ILO was approaching the end of a project entitled "Combating Discrimination against (Im)Migrant Workers and Ethnic Minorities in

the World of Work". The project's conclusions, currently being drafted in the form of a manual on achieving equality for migrant and ethnic minority workers, focused on the need for comprehensive and stringently enforced anti-discrimination legislation covering all aspects of the employment relationship. The project had also shown that supplementary measures, such as labour-force surveying or monitoring, contract compliance schemes and anti-discrimination training, were vital components of an effective anti-discrimination strategy.

91. ILO had played an active part in the activities of the working group of intergovernmental experts on the human rights of migrants, providing background documentation and input. It had certain reservations concerning the working group's activities to date and concerning the extension of the group's mandate. Given its limited resources, the group should avoid duplication of activities undertaken by organizations of the United Nations family and reputable NGOs. Moreover, it should adopt a more active stance in collecting information on violations of migrants' rights by undertaking missions to the regions and countries concerned and working with grass-roots organizations. If those concerns were met, however, ILO was strongly in favour of the extension of the working group's mandate. It also hoped that the Commission would continue to devote resources to the study of the plight of migrant workers and to the formulation of new ways of dealing with violations of migrants' rights.

92. Mr. VIGNY (Observer for Switzerland) said that participation in the activities of the Working Group on Minorities had grown year by year. Some 60 NGOs, from all parts of the world, together with representatives of specialized agencies and people from other walks of life, had participated, but only some 40 representatives of States had attended, often as observers only. His delegation hoped that, in future, there would be a real dialogue between States and their minorities and among the minorities themselves, whose contributions were almost invariably constructive and non-confrontational. The Working Group provided an informal forum which should be more widely used for the exchange of information on the problems of minorities and for discussing possible solutions.

93. His delegation welcomed the Working Group's recommendations, as contained in its report (E/CN.4/Sub.2/1997/18). It also welcomed the decision to hold a seminar on the role of the media and minorities and hoped that donors would be forthcoming to defray the cost thereof.

94. The Working Group should become the driving force in United Nations activities on minorities. It should thus cooperate still more closely with the Commission's thematic bodies and the treaty bodies, which should be provide by the States parties with precise information on their protection of minority rights. It should also encourage the High Commissioner to implement the programme for the protection of minorities, particularly by developing preventive activities and rapid reaction to urgent situations. The Working Group's mandate should be renewed, so that it could meet again in 1998 and subsequently once a year.

95. Mr. Chowdhury (Bangladesh), Vice-Chairman, took the Chair.

96. Mr. PHILLIPS (Minority Rights Group International) said that his organization which, in its 30 years' experience, had given early warning of many conflicts, found that effective dialogue could make a significant difference in bringing dignity and rights to the marginalized and to minorities. He had therefore four constructive proposals to make: the High Commissioner's efforts to promote closer cooperation between the various human rights bodies, both international and regional, should be supported; minority and indigenous groups should be involved in the early planning and implementation of world conferences; every effort should be made to encourage formal and informal dialogue between experts, Governments and minorities; and the Working Group on Minorities should be given a permanent mandate.

97. Mr. Selebi (South Africa) resumed the Chair.

98. Bishop DENEUX (Fraternité Notre Dame) said he wished to draw attention to the religious intolerance that could be observed even in countries where religious freedom was proclaimed. States had a growing tendency to defer to the power of majority churches and to pass laws condemning the minority ones. That led to immense suffering on the part of religious minorities, which were often labelled sects and despised. They suffered humiliation, prosecution, mockery, intimidation and even murder.

99. Another important problem concerned ecumenism, which in many cases was effectively a trap for religious minorities, since the major churches and religions - one in particular, which claimed to possess the only truth - systematically rejected religious minorities.

100. It was a great pity that a majority church could cause laws to be passed aiming at reducing religious or philosophical movements to the state of dissidents in their own country. That was currently so in France, where a campaign of disinformation in the press had been taken up by laws reducing the rights of such movements.

101. Mr. WARIKOO (Himalayan Research and Cultural Foundation) said that his organization was very concerned about the social, cultural and political problems created by transborder terrorism, Islamic extremism and the use of mercenaries in parts of south and central Asia. In Afghanistan, the Taliban had enforced mediaeval religious practices and unleashed atrocities against national, ethnic, religious and linguistic minorities, as well as against women and children. The application of an extremist agenda not only undermined Afghan nationalism but sought to exclude minority groups from the political process.

102. Islamic extremism and the use of terrorists and mercenaries by Pakistan had dealt a death blow to the age-old composite character and secular polity of the Indian State of Jammu and Kashmir. Several Pakistan-based Islamic extremist and terrorist organizations had publicly taken pride in "killing Hindus". The indigenous minority of Kashmiri Pandits had been subjected to ethnic or religious cleansing, the latest example of which had occurred in January 1998.

103. The Pakistan-based Harkat-ul-Ansar had been formally declared a terrorist organization by the United States, but that had not deterred the terrorists and their associates. A United States Congressman had stated that innocent people in Kashmir had been murdered by outside forces intent on changing Kashmir from a secular, multi-religious State to a fundamentalist one. Even organizations supporting Pakistan had condemned the nefarious role of foreign agencies acting in the name of Islam, killing religious and political leaders and members of the minority community.

The meeting rose at 1.05 p.m.